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September 3, 2019

ANOTHER STING TO THE BEE POPULATION: EPA APPROVES NEW PESTICIDE THAT POSES A SEVERE THREAT TO BEES.

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BY: JOHN PAUL HICKS

In July 2019, the Environmental Protection Agency (EPA) authorized the use of a pesticide containing the chemical sulfoxaflor.[i] The recent approval is not without controversy.[ii] While the EPA considers this chemical highly effective for growers around the country, the agency also recognizes the devastatingly toxic effect the chemical has on the bee population.[iii] Additionally, the broad approval of pesticides containing sulfoxaflor comes on the heels of a 2016 EPA decision to limit the use of the same products to crops that do not attract bees.[iv]

A 2015 decision by the Ninth Circuit Court of Appeals vacated the previous EPA approval of pesticides containing the chemical sulfoxaflor due to the “lack of information about how the chemical affects bees.”[v] In response to the lack of information, interested parties researched the potential effects of the chemical on the bee population and submitted studies to the EPA for a second chance at approvals.[vi]





credit (<http://science.time.com/2013/05/07/beeapocalypse-redux-honey-bees-are-still-dying-and-we-still-dont-know-why/>)

Recent studies have shown mixed results on the harmful effects of the chemical on the bee population.[vii] Studies sponsored by big chemical companies such as Dow Chemical and E.I. de Pont show “sulfoxaflor poses no significant risk to human health and poses a lower risk to wildlife, including birds, mammals, bees, fish and other aquatic animals, than other widely used alternatives such as organophosphates, carbamates, pyrethroids and neonicotinoids.”[viii] It does not take a creative imagination to predict the results of the sponsored studies.

However, the EPA rejected other relevant studies which show “even low doses of sulfoxaflor exposure had severe consequences for bumblebee reproductive success.”[ix] The EPA selection of which studies are taken into consideration and which studies are rejected in regards to making policy decisions should not in any way be tied to who sponsors a particular study.

While recent studies show sulfoxaflor has no significant risk to humans and minimal risk to the bee population, the source of these studies must be taken into account.[x] These recent studies have all been sponsored by big chemical companies who would only benefit from the lifting of restrictions of certain pesticides for the United States agricultural industry. This is especially true when alternative studies not only exist but show that even a small amount of sulfoxaflor can have detrimental effects on the bee population.[xi] Until non-biased studies are considered, and accepted by the EPA in the decision-making process, the interests of the sponsor of the studies must be taken into account. The obvious solution to the problem is the EPA sponsoring studies it relies upon when making policy decisions.

[i] Juan Carlos Rodriguez, *Enviros Challenge EPA Pesticide Approval As Unwarranted*, (Aug. 20, 2019, 8:42 PM), <https://www.law360.com/articles/1190622>.

[ii] *Id.*

[iii] Brady Dennis, *EPA to allow use of pesticide considered ‘very highly toxic’ to bees*, (July 12, 2019), <https://www.washingtonpost.com/climate-environment/2019/07/12/epa-allow-use-pesticide-considered-very-highly-toxic-bees/>.

[iv] *Id.*

[v] Juan Carlos Rodriguez, *EPA Approves Insecticide Previously Struck Down By 9th Circ.*, (July 12, 2019, 6:31 PM), <https://www.law360.com/articles/1177730>.

[vi] *See generally* Juan Carlos Rodriguez, *Enviros Challenge EPA Pesticide Approval As Unwarranted*, (Aug. 20, 2019, 8:42 PM), <https://www.law360.com/articles/1190622> (<https://www.law360.com/articles/1190622>) (stating that studies were sponsored by Corteva Inc., a

company formed as a result of a merger between Dow Chemical Co. and E.I. du Pont de Nemours & Co.).

[vii] Juan Carlos Rodriguez, *Enviros Challenge EPA Pesticide Approval As Unwarranted*, (Aug. 20, 2019, 8:42 PM), <https://www.law360.com/articles/1190622>.

[viii] Juan Carlos Rodriguez, *EPA Approves Insecticide Previously Struck Down By 9th Circ.*, (July 12, 2019, 6:31 PM), <https://www.law360.com/articles/1177730>.

[ix] Juan Carlos Rodriguez, *Enviros Challenge EPA Pesticide Approval As Unwarranted*, (Aug. 20, 2019, 8:42 PM), <https://www.law360.com/articles/1190622>.

[x] *Id.*

[xi] *Id.*

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